

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC SESSION

Friday, April 28, 2017
1:30 p.m.

Location

**4000 North Central Avenue
Phoenix, Arizona 85012**

Attending

Colleen C. Mathis, Chair
Cid R. Kallen, Vice Chair (via teleconference)
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner (via teleconference)
Richard P. Stertz, Commissioner (via teleconference)

Ray Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Ana Garcia

Mary O'Grady, Legal Counsel
Joe Kanefield, Legal Counsel
Kristin Windtberg, Legal Counsel

Reported By:
Jennifer Honn, RPR
Certified Court Reporter #50885
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Phoenix, Arizona
April 28, 2017
1:30 p.m.

P R O C E E D I N G S

(Public session commenced at 1:34 p.m.)

CHAIRPERSON MATHIS: So good afternoon,
everyone.

It's 1:34 in the afternoon.

And we're here in the heart of Maricopa
County today.

This is Chair Mathis, and we are going to
proceed with our 80th meeting of the Arizona Independent
Redistricting Commission. I counted and had my count
double checked by the staff and confirmed that it is the
80th meeting. We did have a bunch of other hearings as
well, but in terms of business meetings, it's eight-zero.

So welcome. Today is April 28, 2017. The
time is 1:34 now.

If everyone would please rise, we'll start
with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

CHAIRPERSON MATHIS: Great. Thank you.

1 We have a few folks in the room today,
2 which is great. And if anyone would like to fill out a
3 request to speak form, we'll have public comment at the
4 end of the meeting. So please be sure to do that. I
5 think I have one right now.

6 So we'll move ahead with our roll call.

7 Vice-Chair Freeman.

8 VICE-CHAIR FREEMAN: Here.

9 CHAIRPERSON MATHIS: Commissioner Kallen.

10 COMMISSIONER KALLEN: Here.

11 CHAIRPERSON MATHIS: Commissioner McNulty.

12 COMMISSIONER MCNULTY: Here.

13 CHAIRPERSON MATHIS: Commissioner Stertz.

14 COMMISSIONER STERTZ: Here.

15 CHAIRPERSON MATHIS: We have a quorum.

16 Other participants in the room today
17 include our Executive Director Ray Bladine, our Deputy
18 Executive Director Kristina Gomez.

19 We also have legal counsel with us today,
20 Joe Kanefield and Mary O'Grady and Kristin Windtberg.

21 And our court reporter today, in the
22 absence of Marty Herder, is Jennifer Honn.

23 And we have other staff as well, Ana
24 Garcia. And is Lisa Schmelling here?

25 KRISTINA GOMEZ: No.

1 CHAIRPERSON MATHIS: Okay. Anybody else
2 I'm missing who's officially with the Commission?

3 Okay.

4 And I'll just remind everyone that we're
5 being transcribed by Jennifer, so if you're going to do a
6 request to speak, please spell your name and speak
7 clearly so that she can get an accurate transcription.
8 And same goes for all the commissioners on the call.
9 Let's be mindful of that.

10 So this brings us to the second item on the
11 agenda. Legal briefing, discussion, and possible action
12 relating to pending litigation in Leach versus Arizona --
13 versus the Arizona Independent Redistricting Commission.
14 The Commission may go into executive session, which will
15 not be open to the public, for the purpose of obtaining
16 legal advice and providing direction to counsel.

17 So with that, I'll turn it over to legal
18 counsel.

19 JOSEPH KANEFIELD: Thank you, Madam Chair,
20 members of the Commission.

21 This is Joe Kanefield.

22 what I thought I would do is give the
23 Commission a brief overview of the recent ruling from
24 Judge Brodman in the Leach versus Arizona Independent
25 Redistricting Commission case.

1 I had previously sent a summary to the
2 Commission, so some of this may sound familiar. But we
3 thought for the benefit of the public and for the record,
4 if you'd indulge me, I'll read the summary into the
5 record.

6 So on Thursday, March 16, Judge Brodman
7 issued a 19-page ruling on cross motions for summary
8 judgement in the Leach versus AIRC case, A-I-R-C.

9 Ultimately, Judge Brodman's ruling denied
10 plaintiffs' motion for summary judgment and granted the
11 Commission's motion for summary judgment on all of the
12 remaining counts in the case, being counts 2, 3, 4, 5,
13 and 6.

14 Judge Brodman's ruling paralleled the
15 structure of the February 10th oral argument setting
16 forth analysis in three categories: first, the
17 Commission's compliance with constitutional requirements;
18 second, the Commission's compliance with the open meeting
19 law; and, third, the equitable defenses and standing.

20 With respect to the constitutional
21 challenges, Judge Brodman limited his review to
22 procedure, not discretionary or judgmental decisions made
23 by the Commission. Judge Brodman, therefore, only asked
24 whether the Commission followed the constitutionally
25 required procedure in adopting its redistricting plan.

1 Judge Brodman analyzed each of the legally
2 established four steps or phases of the redistricting
3 process identified by the Arizona Supreme Court in its
4 2009 decision involving the Commission.

5 A large portion of the ruling focused on
6 whether the Commission appropriately adjusted the Grid
7 Map to accommodate the constitutional redistricting
8 goals. Judge Brodman acknowledged the latitude granted
9 to the Commission in adjusting the Grid Map, noting that
10 the Constitution does not prohibit the use of what-if
11 Maps to explore possible adjustments before adopting any
12 particular adjustment, nor does it require discrete,
13 iterative steps at making adjustments.

14 He also rejected the plaintiffs' argument
15 that the Commission failed to show its work, holding that
16 the record was sufficient to establish as a matter of law
17 that the Commission followed the mandatory constitutional
18 procedure by adjusting the original Grid Map to
19 accommodate the competing constitutional goals when it
20 prepared the Draft Map.

21 He also held that the official record
22 conclusively demonstrates that the Commission engaged in
23 a deliberative effort that all of the constitutional
24 goals before advertising the Draft Map.

25 Judge Brodman further found as a matter of

1 undisputed fact that the Commission did engage in the
2 required deliberative process in receiving and
3 considering the legislature's recommendations. Judge
4 Brodman went on to note that whether the Commission
5 considered the legislative reports to plaintiffs'
6 satisfaction is not for the courts to decide.

7 with respect to plaintiffs' allegations
8 that the Commission violated the open meeting law during
9 the selection of Strategic Telemetry, the Commission's
10 mapping consultant, and during the creation of the
11 Everything Bagel Map, Judge Brodman said -- was unable to
12 find sufficient evidence to create a triable issue of
13 fact in either of these points. He noted that while he
14 could imagine circumstances in which serial
15 communications could result in an open meeting law
16 violation, the evidence did not support a claim that such
17 communications occurred in connection with the selection
18 of Strategic Telemetry as the Commission's mapping
19 consultant.

20 In addition, Judge Brodman agreed with the
21 Commission that the open meeting law claims are barred by
22 laches, ruling them, "If plaintiffs thought the Draft Map
23 was invalid, they should have taken steps sooner to
24 challenge it, not wait until the Final Map was approved
25 and then attempt to invalidate the map."

1 with respect to the other defenses raised
2 by the Commission, the court found them moot given the
3 court's ruling granting the Commission's motion for
4 summary judgment on Counts 2, 3, 4, 5, 6. The court held
5 that plaintiff had standing to raise their claims but
6 noted that the standing argument was also moot in light
7 of this court's decision to grant the Commission's
8 summary judgment motions.

9 Judge Brodman went on to give his final
10 observations of the case which were consistent with his
11 approach during the oral argument. He noted his serious
12 concerns about the practical realities of this expensive,
13 largely taxpayer-funded litigation and the futility of an
14 appeal concluding in this court's view -- this is a
15 quote -- "It makes no sense to begin the redistricting
16 process anew."

17 We have drafted a proposed form of judgment
18 and filed that at the request of the court. We also
19 filed our statement of costs. And we have stipulated
20 with the plaintiffs' counsel to give them until May 17 to
21 file a response to our proposed order and our statement
22 of costs.

23 Madam Chair, Commissioners, at this point,
24 we would recommend the Commission consider going into
25 executive session so we may brief you on our recent

1 communications with counsel for the plaintiffs.

2 CHAIRPERSON MATHIS: Thank you,
3 Mr. Kanefield.

4 Does anyone have any comment?

5 VICE-CHAIR FREEMAN: Madam Chair.

6 CHAIRPERSON MATHIS: Commissioner Freeman.

7 VICE-CHAIR FREEMAN: If I can ask
8 Mr. Kanefield, were the communications with plaintiffs'
9 counsel confidential?

10 JOSEPH KANEFIELD: Madam Chair,
11 Commissioner Freeman, yes.

12 CHAIRPERSON MATHIS: Any other questions?

13 Okay, hearing none, I think that means
14 we'll go out of public session now. The time is 1:42 --

15 RAY BLADINE: Vote on it.

16 CHAIRPERSON MATHIS: Forgot about that.
17 I'm so rusty that I actually forgot to use my gavel, too,
18 to call the meeting to order, and I brought it. Gives
19 you a sense of things.

20 And I'll also note we never met last year,
21 amazingly. The Commission didn't meet in 2016, which I
22 find shocking.

23 But, anyway, so apologies, everyone, but we
24 will now vote to -- or take a motion, first of all, to go
25 into executive session.

1 Do I hear one?

2 COMMISSIONER McNULTY: So moved.

3 This is Linda McNulty.

4 CHAIRPERSON MATHIS: Thank you.

5 Is there a second?

6 COMMISSIONER KALLEN: This is Commissioner
7 Kallen. I second.

8 CHAIRPERSON MATHIS: Great.

9 Any discussion?

10 Okay. We'll go ahead and go out of public
11 session now. The time is 1:4- --

12 RAY BLADINE: No --

13 CHAIRPERSON MATHIS: Oh, you guys.

14 VICE-CHAIR FREEMAN: Can I be the chair for
15 a day?

16 CHAIRPERSON MATHIS: I'm so sorry. I'm
17 used to Vice-Chair Freeman managing this from Maricopa
18 County. But sorry about that. We do have to vote on
19 that as well.

20 So may I hear a vote? We have a motion on
21 the table that's been seconded to go into executive
22 session.

23 VICE-CHAIR FREEMAN: Aye.

24 CHAIRPERSON MATHIS: Aye.

25 COMMISSIONER KALLEN: Aye.

1 COMMISSIONER STERTZ: Aye.

2 CHAIRPERSON MATHIS: I heard four ayes.

3 Can we go through the people on --

4 COMMISSIONER STERTZ: -- Madam Chair?

5 CHAIRPERSON MATHIS: I did.

6 COMMISSIONER STERTZ: There was an aye from
7 me.

8 CHAIRPERSON MATHIS: I heard -- I heard
9 Commissioner Stertz.

10 Commissioner McNulty?

11 COMMISSIONER KALLEN: Okay. This is
12 Commissioner Kallen. Aye.

13 CHAIRPERSON MATHIS: Is Commissioner
14 McNulty there?

15 COMMISSIONER McNULTY: Yes. Aye.

16 CHAIRPERSON MATHIS: Great. We have five
17 ayes.

18 COMMISSIONER McNULTY: Can you hear me?

19 CHAIRPERSON MATHIS: We can now.

20 We'll go into executive session now -- out
21 of public session first.

22 And the time is 1:44 in the afternoon.

23 And I apologize to the public, but we'll
24 have to clear the room, I believe, in order to have the
25 executive session here.

1 (Whereupon, the Commission went into
2 executive session.)

3 * * * * *

4 (Whereupon, the public session resumed.)

5 CHAIRPERSON MATHIS: Okay. Welcome back.
6 We'll enter back enter public session now.

7 The time is 2:03 p.m.

8 Thank you, public, for sticking with us.
9 We weren't gone too long.

10 So after this executive session that we
11 had, is there anything any commissioner wanted to say, or
12 did anyone have a motion resulting from our executive
13 session discussion?

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Vice-chair Freeman.

16 VICE-CHAIR FREEMAN: I make a motion that
17 the Commission direct counsel to enter into a settlement
18 with the plaintiffs in the Leach versus AIRC case on the
19 terms proposed by plaintiffs' counsel which essentially
20 constituted a walk-away settlement whereby plaintiffs
21 would forego the right to appeal in return for the
22 Commission foregoing its right to pursue its anticipated
23 award of taxable costs and that Counsel enter and
24 incorporate the stipulation to terminate the litigation.

25 CHAIRPERSON MATHIS: Is there a second?

1 COMMISSIONER STERTZ: This is Stertz. I
2 second the motion.

3 CHAIRPERSON MATHIS: The motion's been
4 seconded.

5 Any discussion?

6 COMMISSIONER McNULTY: This is Linda
7 McNulty.

8 I would like to clarify that we would be
9 foregoing approximately \$18,000 in costs and recording a
10 judgment in favor of the Arizona Independent
11 Redistricting Commission in accordance with the judge's
12 order as the plaintiff would be foregoing an appeal.

13 VICE-CHAIR FREEMAN: Madam Chair.

14 CHAIRPERSON MATHIS: Commissioner Freeman.

15 VICE-CHAIR FREEMAN: I'll further clarify
16 that we would be foregoing a claim of taxable costs in
17 the approximate amount of \$18,000. That has not been
18 awarded to the IRC at this time.

19 CHAIRPERSON MATHIS: Commissioners, do you
20 have any comments or questions?

21 COMMISSIONER McNULTY: So just to
22 summarize, we would forego a claim of taxable costs? Is
23 that the correct way to describe it, Scott?

24 VICE-CHAIR FREEMAN: I only said that
25 because we don't have that judgment for taxable costs

1 entered. We're applying for that amount of money. That
2 doesn't mean that would necessarily be awarded to the
3 Commission.

4 COMMISSIONER MCNULTY: Joe and Mary, is
5 that your perspective also?

6 MARY O'GRADY: That's right. We submitted
7 our application, but the judge hasn't entered an award
8 for that amount.

9 COMMISSIONER MCNULTY: Okay. So in
10 exchange for not pursuing that, the plaintiffs would
11 agree that -- in exchange for our not pursuing that, the
12 plaintiffs would agree that they would not dispute our
13 form of judgment and they would, in exchange, not appeal?

14 MARY O'GRADY: That's right. And so --

15 COMMISSIONER MCNULTY: So in terms of the
16 judgment itself, the judgment that you have prepared and
17 submitted to the court, it would be changed only to
18 eliminate that claim, \$18,000, but it would otherwise
19 remain essentially intact?

20 MARY O'GRADY: That's correct. And I was
21 just turning to the proposed form of judgment that we
22 entered that -- so -- and I think what your point is that
23 we would get a judgment that is in favor of the
24 Commission and against plaintiffs on all claims. That
25 was part of the judgment -- form of judgment that we

1 entered, and that would be part of the form of judgment
2 that is agreed upon and entered, you know, that we would
3 submit to the board.

4 COMMISSIONER MCNULTY: Yeah. And that's
5 the way I read the letter from the plaintiffs. That's
6 what I read the letter that was circulated as proposing.

7 MARY O'GRADY: That's right.

8 VICE-CHAIR FREEMAN: So I accept all those
9 clarifications to the proposed motion.

10 CHAIRPERSON MATHIS: Okay. Any comments
11 from other commissioners or questions?

12 Okay. Hearing none, I think we'll go ahead
13 and call a vote on this seconded motion, which I think
14 I'm going to need some help if I need to repeat what that
15 motion is.

16 Vice-chair Freeman, do you want to -- or do
17 we go back to the court reporter and have her restate
18 that?

19 VICE-CHAIR FREEMAN: Why don't we just call
20 a vote on the motion on the table?

21 CHAIRPERSON MATHIS: Is everyone
22 comfortable with that, or do they need to hear it again?

23 COMMISSIONER MCNULTY: As long as, Joe and
24 Mary, it's clear to you that the motion has been
25 clarified and that the record reflects all of our

1 comments, I'm okay with what Scott suggested that we just
2 vote on the motion on the table.

3 MARY O'GRADY: Yes, Joe and I -- Joe's
4 nodding. We are clear on our instructions.

5 CHAIRPERSON MATHIS: Okay. With that,
6 we'll go ahead and call a vote on the motion.

7 VICE-CHAIR FREEMAN: Aye.

8 COMMISSIONER KALLEN: Aye.

9 COMMISSIONER McNULTY: Aye.

10 COMMISSIONER STERTZ: Aye.

11 CHAIRPERSON MATHIS: Aye.

12 So we have a unanimous decision to move
13 forward with that motion.

14 Did anyone have any comments?

15 Okay.

16 That takes us to agenda item three.

17 Request by Executive Director for approval to reclassify
18 the position filled by the current Deputy Executive
19 Director to a proper Deputy Executive Director class.
20 Her current class, Administrative Services Officer IV,
21 does not accurately reflect her responsibilities. There
22 will be no financial impact.

23 So I'll turn it over to Mr. Bladine.

24 RAY BLADINE: Thank you, Madam Chair.

25 The -- really, that paragraph describes

1 what I'd like to do. As this Commission proceeded
2 towards the end of the goal of getting the work done,
3 more and more, Kristina has taken on all of the
4 responsibilities that I used to do. In fact, at one
5 point, I was hoping that I could actually turn into a
6 consultant and have her be the Executive Director, but I
7 wasn't able to get it all worked out in time we could do
8 it. So I think at least it would be recognition of her
9 extra duties that fulfilled beyond the class of
10 Administrative Assistant or Officer IV. And, simply, it
11 would not be a pay change at all but would be a job title
12 to make her an official deputy position in the state. So
13 I would recommend the approval of my request.

14 CHAIRPERSON MATHIS: Thank you,
15 Mr. Bladine.

16 Do any commissioners have any questions or
17 comments for Mr. Bladine?

18 Let me just check --

19 COMMISSIONER KALLEN: I apologize. This is
20 Commissioner Kallen. I got cut off.

21 CHAIRPERSON MATHIS: Oh, I'm sorry,
22 Commissioner Kallen.

23 Do you need us to repeat? I don't know
24 when you fell off, so we can -- Mr. Bladine just
25 explained agenda item three to us in a little more

1 detail than --

2 COMMISSIONER KALLEN: Yes.

3 CHAIRPERSON MATHIS: -- was there.

4 COMMISSIONER KALLEN: No, Madam Chair, I
5 don't need further explanation. I did -- and I'm holding
6 the draft memorandum that was prepared by Mr. Bladine;
7 therefore, I think I'm up to speed on what we're talking
8 about.

9 CHAIRPERSON MATHIS: Perfect.

10 okay. Any questions or comments for
11 Mr. Bladine?

12 COMMISSIONER McNULTY: would this be an
13 appropriate time just to say thank you so much to both of
14 you, Ray and Kristina.

15 RAY BLADINE: I guess it would be an
16 appropriate time.

17 CHAIRPERSON MATHIS: I would say it's
18 appropriate.

19 COMMISSIONER McNULTY: One of the best
20 decisions we've ever made as a group, and it's been a
21 privilege to work with you both --

22 RAY BLADINE: well, thank you very much.

23 COMMISSIONER McNULTY: -- and with the
24 staff that you gathered together --

25 CHAIRPERSON MATHIS: Hear, hear.

1 COMMISSIONER McNULTY: -- Lisa, Ana.

2 CHAIRPERSON MATHIS: I agree. And I
3 thought you already were a Deputy Executive Director.
4 You've certainly been acting as one, if not an Executive
5 Director at times. So we're really --

6 COMMISSIONER McNULTY: You know, I thought
7 so, too. I didn't --

8 RAY BLADINE: Well, I sure fooled you guys.

9 CHAIRPERSON MATHIS: You did.

10 So do we need to do anything else on that?

11 RAY BLADINE: Just approve my
12 recommendation.

13 CHAIRPERSON MATHIS: Great. And we can
14 vote for that?

15 RAY BLADINE: Uh-huh.

16 CHAIRPERSON MATHIS: So we'll go ahead
17 and -- do we need a motion, I think, from somebody?

18 COMMISSIONER STERTZ: So moved.

19 COMMISSIONER McNULTY: Second.

20 COMMISSIONER STERTZ: So moved.

21 CHAIRPERSON MATHIS: Thank you. So we have
22 Commissioner Stertz making the motion; Commissioner
23 McNulty seconding.

24 And any discussion?

25 All in favor?

1 VICE-CHAIR FREEMAN: Aye.

2 COMMISSIONER McNULTY: Aye.

3 COMMISSIONER KALLEN: Aye.

4 COMMISSIONER STERTZ: Aye.

5 CHAIRPERSON MATHIS: Aye.

6 Unanimous. Yay, Kristina.

7 RAY BLADINE: Do you want to stand up or
8 sit?

9 KRISTINA GOMEZ: Do you want a chair?

10 RAY BLADINE: Sure.

11 See how well it's worked?

12 VICE-CHAIR FREEMAN: You don't mess around.
13 Of course, if you sit there, you have a new
14 assignment in that room.

15 RAY BLADINE: Really? I'll move over here
16 so I can watch my charge. He's doing good.

17 CHAIRPERSON MATHIS: We have a
18 commissioner-want-to-be in the room today with us.
19 Commissioner Freeman brought his son, who I think is
20 five, did you say?

21 VICE-CHAIR FREEMAN: Yes.

22 CHAIRPERSON MATHIS: Five years old, so --

23 VICE-CHAIR FREEMAN: Born during the
24 mapping.

25 COMMISSIONER McNULTY: So he wasn't even

1 born --

2 VICE-CHAIR FREEMAN: He was born during the
3 mapping, and he came to the -- he came to the vote --

4 COMMISSIONER MCNULTY: This is the boy who
5 was born during the -- oh, my gosh.

6 VICE-CHAIR FREEMAN: That's right. He came
7 to -- he actually did come to our meeting where we had
8 the final vote on the maps. He's returned.

9 CHAIRPERSON MATHIS: Well, it's a treat to
10 have him here, so thank you for bringing him.

11 So we have agenda item four now, executive
12 director's report. So I'll turn it over to Mr. -- we
13 have Deputy Executive Director Gomez helping us with this
14 today. Go ahead.

15 KRISTINA GOMEZ: Thank you so much.

16 Madam Chair, Commission members, if you can
17 go ahead and turn to the spreadsheet.

18 Now, this is the monthly spreadsheet that
19 we submit to the Commission each month. We also submit
20 this information to the Governor's Office each month, the
21 Joint Legislative Budget Office, as well as the General
22 Accounting Office.

23 So this spreadsheet is developed by the
24 State Boards Office, and they send it over to us each
25 month so that we can just go ahead and review for

1 accuracy.

2 So I just wanted to remind everyone that
3 the starting FY 17 appropriation was 1.1 million. The
4 actual set that we've spent for this month have been
5 \$878,000.

6 Our remaining balance for FY 17 is 345,000.
7 of that 345,000, we still have 116,000 that has been
8 allocated for operating costs, and the State Boards
9 Office still hasn't invoiced us for their services yet,
10 so we still owe them \$20,000. So I'm sure they'll send
11 us an invoice by the end of this fiscal year because
12 they'd like to get paid.

13 The next item on the executive director's
14 report is technology. After going back and forth with
15 the Archives office, because they've developed this
16 new -- they actually have a vendor now who images and who
17 takes snapshots of over 500 state agencies so that they
18 can preserve that, they thought that may be this would be
19 helpful for us whenever we do sunset. However, after
20 talking to our technical expert, Buck, he did remind
21 me -- because I was pretty excited about that -- but he
22 did remind me that we have an interactive website with
23 videos, with the district locator, and also with active
24 maps. So that's not going to work for us. So our next
25 step would be to talk to Michael Brown with Legislative

1 Council to see if he would be kind enough once again to
2 go ahead and just take care of our website, just have our
3 website until the next Commission is formed. So Ray and
4 I will be sending him an e-mail asking if we can speak
5 with him about that, and we'll keep you posted on that.

6 Appropriation. We did ask for the same
7 appropriation that we received for the past four years.
8 We do work on the projections with the State Boards
9 Office, and that goes to the Governor's office so that
10 the governor can go ahead and produce his budget that
11 comes out in January. So we went ahead again and asked
12 for the same appropriation as last fiscal year, the 1.1
13 million.

14 Commissioners records. As we've said,
15 we -- sure, go ahead.

16 VICE-CHAIR FREEMAN: If I could interrupt.

17 CHAIRPERSON MATHIS: Go ahead, Commissioner
18 Freeman.

19 VICE-CHAIR FREEMAN: On the request for
20 appropriation, though, that is coupled with a proviso
21 that if the Leach litigation should terminate -- and we
22 just directed counsel to do that -- that requested
23 appropriation would revert to the general fund; correct?

24 KRISTINA GOMEZ: Correct.

25 VICE-CHAIR FREEMAN: Okay.

1 KRISTINA GOMEZ: So we did meet with the
2 Library and Archives staff on April 14th, and we did
3 alert them at that time of the possibility of us
4 eventually closing down shop. So we have worked with
5 them, and we have told them what we've -- what we have so
6 far boxed up. Some of the items we do have boxed up are
7 meeting transcripts, sign-in sheets, meeting agendas,
8 speaker forms, public input binders, media binders, DOJ
9 submission, the final congressional and legislative maps
10 and Harris exhibits.

11 Right now in our files we do have several
12 things that are -- that we're organizing and just doing a
13 final audit on these items to make sure that they are put
14 in boxes and sent over to Library and Archives. These
15 items consist of court filings, all of the maps on the
16 website, PowerPoint presentations from Commission
17 meetings and from public hearings, contracts,
18 appropriation and budget letters, Commission notes,
19 Commission applications, appropriation logs, public
20 records logs, and the map request log. Senate and House
21 legislative bills regarding redistricting will also be in
22 the boxes. And all of Ray's correspondence.

23 The next item are the financial records.
24 So just so that everyone knows that the State Boards
25 office, they're the official record keepers of all of the

1 financial and invoices that come into the office, so they
2 follow their own schedule. Once again, we'll go ahead
3 and let them know what's going on with our Commission.
4 So they have archived some items already, but we'll let
5 them know the latest developments of this Commission so
6 they can proceed with archiving their documents as well.

7 And the last item is the legislative voter
8 database update. We'll go ahead and we'll ask for a copy
9 of this -- of this data, and we will keep you posted on
10 if or when we receive this information.

11 CHAIRPERSON MATHIS: Is that the end?

12 KRISTINA GOMEZ: Sorry. That's the end.

13 CHAIRPERSON MATHIS: Okay, great.

14 I would just want to comment that there is
15 nobody in the state who is better equipped to manage this
16 process of Commission records and putting everything into
17 order so that the next Commission can take over than
18 Deputy Executive Director Gomez. She did this for the
19 last Commission and so knows this process fully, and
20 we're really grateful that you're managing this for us.
21 So thank you.

22 KRISTINA GOMEZ: Thank you.

23 CHAIRPERSON MATHIS: It's a ton of work.
24 Any questions or comments?

25 COMMISSIONER McNULTY: This is Linda

1 McNulty.

2 I just a have one question/comment.

3 CHAIRPERSON MATHIS: Okay.

4 COMMISSIONER McNULTY: We will put all this
5 in motion once the judgment has been recorded; is that
6 correct?

7 CHAIRPERSON MATHIS: That is my
8 understanding.

9 MARY O'GRADY: It's in motion now.

10 COMMISSIONER McNULTY: Joe and Mary, will
11 you -- will you please ensure that that's the case?

12 MARY O'GRADY: Yeah. It's all in motion
13 now, and we'll make sure that it continues.

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Vice-Chair Freeman.

16 VICE-CHAIR FREEMAN: And just so I think
17 we're all clear, once the Leach litigation terminates,
18 there will be no active litigation involving the
19 Commission, and constitutionally, the only thing we can
20 do is spend money to close the Commission. Correct?

21 MARY O'GRADY: That's right. That's right.
22 That'll be the focus. It will be closing it up and
23 trying to wrap it up by the time that the usual appeal
24 time would expire.

25 VICE-CHAIR FREEMAN: And then maybe

1 question for Ms. Gomez is -- or Mr. Bladine, you switched
2 places. She's without microphone.

3 How long do you anticipate the wrap-up
4 process will take?

5 RAY BLADINE: We will clearly be done
6 within the 30 days from when the filing is. And part of
7 that is because Kristina started a long time ago. And as
8 the chair pointed out, she has been getting along, so she
9 started working with Library and Archives several months
10 ago to try to be in a position -- if you go in our joint
11 office and you look at that wall, all those are documents
12 that'll go to the archivists. So I don't see any problem
13 with us by within 30 days of the judgment of getting
14 everything to the appropriate agency.

15 Solving some of the issues like what do we
16 do with the webpage so it can stay active, we've got some
17 technical issues there that Kristina and I need work out
18 with budgeting and -- so, anyway, but, clearly, we'll be
19 done by the necessary time frame.

20 And we will -- Mr. Vice-Chairman, we will
21 also work with the attorneys to give you more information
22 about what personally you need to provide and not
23 provide. But my general sense is is that most of the
24 things that individual commissioners have, we have in
25 some other form, but I'll have the -- the attorneys will

1 work with us to make sure we do that correctly also.

2 VICE-CHAIR FREEMAN: Thank you.

3 CHAIRPERSON MATHIS: Any questions or
4 comments from other commissioners?

5 Okay. Hearing none, thank you very much,
6 Deputy Director Gomez.

7 KRISTINA GOMEZ: Thank you.

8 CHAIRPERSON MATHIS: And now, we continue
9 with the executive director's report? Is there more, or
10 is that it?

11 KRISTINA GOMEZ: That's it.

12 RAY BLADINE: I think we really -- I think
13 we really did it, so --

14 CHAIRPERSON MATHIS: Great. Thank you.

15 RAY BLADINE: I just would like to have a
16 point of privilege and say --

17 CHAIRPERSON MATHIS: Of course.

18 RAY BLADINE: -- thank you for thanking us,
19 but I got to tell you that we've been through some tough
20 times together. The commissioners have all treated us
21 with respect and dignity and professionalism. And I know
22 I speak for the staff to say thank you. This
23 year-and-a-half job was a lot longer than all of us
24 thought. But I personally wouldn't change it for the
25 world. It was fun working with all of you. And I didn't

1 have to go through the trial and tribulations you all
2 did, but thank you for treating the staff nicely like you
3 did and professionally. Thank you, Madam Chair.

4 CHAIRPERSON MATHIS: Thank you,
5 Mr. Bladine.

6 Okay. With that, I think we have public
7 comment. I think that's the next item on the agenda.
8 Just making sure. Yes, agenda item five is public
9 comment.

10 I have one request to speak form. If
11 anyone else would like to say anything, they're welcome
12 to fill out a request to speak form in the back. But my
13 sole one right now is Pete Bengtson, representing self,
14 and the subject is Maps.

15 RAY BLADINE: Pete, there's a mic here.

16 PETE BENGTSON: Hi. My name is Pete
17 Bengtson. That's B-e-n-g-t-s-o-n.

18 I've been up to this Commission many times
19 mostly in drawing the maps, so I guess I wrote maps down
20 just out of habit.

21 But I wanted to come up today. I really
22 appreciate all the work the Commission has done. You've
23 done a real service to the state and the citizens. So
24 thank you.

25 That's all I have.

1 CHAIRPERSON MATHIS: Woo, thank you.
2 You're making me verklempt. So thank you.

3 Just a note, Mr. Bengtson and his wife
4 Betty came to many of our hearings and meetings and
5 provided public comment throughout the whole process. So
6 it's great to see you here.

7 Okay. During public comment, I understand
8 commissioners can say anything they'd like to say as
9 well. Is there anything that anyone on the phone or
10 Commissioner Freeman would like to say?

11 VICE-CHAIR FREEMAN: How much time do we
12 have?

13 CHAIRPERSON MATHIS: Got all afternoon.

14 COMMISSIONER McNULTY: Let me just say 15
15 seconds worth. It's really hard for the public to get
16 involved in this process that's so complicated, and I
17 know we've all learned a great deal. But I so appreciate
18 folks like Pete and Betty Bengtson who really did hang --
19 get involved and learn to understand the complexities of
20 this issue and what it means. And it meant a lot to me
21 to know that there were members of the public who were
22 really tracking the process and taking away from it an
23 understanding of how important redistricting is. So I'd
24 like to thank Pete also, and Betty if she's there, or if
25 she's not, when he gets home.

1 CHAIRPERSON MATHIS: Thank you,
2 Commissioner McNulty.

3 Any comments from anyone else?

4 VICE-CHAIR FREEMAN: In light of
5 Commissioner --

6 COMMISSIONER KALLEN: This is
7 Commissioner --

8 VICE-CHAIR FREEMAN: Go ahead, Commissioner
9 Kallen.

10 COMMISSIONER KALLEN: Thank you.

11 Madam Chair, just as the latest addition to
12 the Commission, I'd just like to thank you for your
13 leadership. Thank all staff, Ray and Kristina and staff
14 members, for your help and guidance getting up to speed
15 and then throughout the process of just helping out and
16 handling all of this business has been -- it's been
17 stellar. And in my opinion, the work they do is just so
18 outstanding.

19 I'd also like to thank all other
20 commissioners which -- whom I really haven't had much of
21 an opportunity to speak to, but, again, I do thank you
22 for the unbelievable amount of work that was involved and
23 that you all put in when the maps were drawn. I feel
24 kind of I was lucky to come in after the fact just to
25 sort of be a placeholder, but I can appreciate the great

1 deal of work and sacrifice that must have been involved
2 with getting all this done. So thank you.

3 CHAIRPERSON MATHIS: Thank you,
4 Commissioner Kallen.

5 Anyone else?

6 COMMISSIONER McNULTY: This is Linda.

7 Thank you, Cid, for jumping into this.
8 Some day, I hope I get to meet you. Kind of crazy, isn't
9 it, get involved in something like this and we've never
10 even met? That's sort of our commission.

11 COMMISSIONER KALLEN: Very true.

12 CHAIRPERSON MATHIS: Any other comments?

13 COMMISSIONER McNULTY: I thought Scott was
14 going to go, but if he's not, I'll say one more thing,
15 and that is to thank all the commissioners. We didn't
16 agree, but I think we all put our heart and soul into
17 this. Colleen Mathis found herself in an extraordinary
18 position and did an extraordinary service. And each in
19 our own way, I think we tried to do that as well. So
20 hear, hear.

21 CHAIRPERSON MATHIS: Thanks, Commissioner
22 McNulty.

23 Commissioner Freeman.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Sorry. Commissioner

1 Stertz.

2 COMMISSIONER STERTZ: Does this -- does
3 this certainly feel like this is going to be the end of
4 our tour?

5 CHAIRPERSON MATHIS: It kind of does to me.

6 COMMISSIONER STERTZ: Okay. So with that
7 being said, I've been -- I've enjoyed the roundabouts
8 that we've all had together. I think that the State
9 has -- will suffer the slings and arrows of our debates.
10 It's a strong state. Whether or not we agree with the
11 outcome of how we debated or whether or not we agree with
12 the outcome of the courts, that is not relevant as we
13 honor and respect those organizations and those divisions
14 in our government to be able to hold the place that they
15 hold and have to hold respect for those decisions that
16 are made.

17 I've enjoyed the -- I've enjoyed the
18 camaraderie, the competition, the friendships that I've
19 built with you, and certainly have got the highest level
20 of respect for each one of you. And I'm looking forward
21 to the next time when we all get a chance to cross paths
22 together.

23 Madam Chair, you should certainly schedule,
24 after all this is done, a reunion for us all so that we
25 can all tip a glass together and say to the next

1 Commission, "Good luck," and thank each one of the other
2 for the time that we spent together.

3 CHAIRPERSON MATHIS: I think that's a fine
4 idea, Commissioner Stertz. Noted.

5 Commissioner Freeman.

6 VICE-CHAIR FREEMAN: In light of all those
7 nice comments, I will reserve my 30 minutes of commentary
8 I had prepared and join in all those comments. I
9 really -- this has been a privilege, perhaps the
10 privilege of my life. I want to thank the people of the
11 State of Arizona. I want to thank all the public who
12 showed up at our hearings. Whoever's calling me, I'll
13 thank as well. And the Commission staff --

14 CHAIRPERSON MATHIS: It's your son.

15 VICE-CHAIR FREEMAN: -- Ray and Kristina,
16 and you've been great to work with. My fellow
17 commissioners, each and every one of you, I really want
18 to thank, and respect you all as Commissioner Stertz
19 said.

20 I also want to thank former speaker of the
21 House Kirk Adams who it was my privilege to meet, and I
22 was shocked to have been picked for this position. But
23 he put a lot of trust in me, and I hope I discharged my
24 duties faithfully and kept my promise, which was to
25 follow the Constitution in my charge as a commissioner.

1 And a special thank you to Commissioner
2 Stertz, too, who I got to know. I'd never know him
3 before serving on this Commission. But he's a great guy.
4 He's been a great friend. And I really appreciate the
5 times we had together.

6 And perhaps we all will meet again. I hope
7 it's not at the request of speakline for the first
8 hearing of the next Commission, but it might be.

9 CHAIRPERSON MATHIS: Okay. Great.

10 COMMISSIONER STERTZ: Thank you, Scott.
11 The feeling is mutual.

12 CHAIRPERSON MATHIS: Any other comments
13 from commissioners?

14 Okay. I have some prepared comments, too,
15 because I was wondering if this was going to be our last
16 Commission meeting, and I have a lot of people I just
17 want to recognize and thank.

18 So I'm going to start with staff, and we've
19 talked about how exemplary our staff has been. And they
20 have been. And in honor of that, I had some
21 Commission -- what I'm calling Commission Medals of
22 Freedom made. And they look like this, and no state
23 dollars were expended, but they have their names on them
24 and AIRC and are just a token of my appreciation for all
25 you've done.

1 RAY BLADINE: Thank you.

2 CHAIRPERSON MATHIS: So -- and this goes
3 to -- let me read their names, too. Ana Garcia,
4 Executive Administrative Officer who's in the room, and
5 she joined us in June of 2011.

6 Lisa Schmelling, who's not here. She's our
7 Community Outreach Representative. She's probably in the
8 community somewhere. And she started with us July 2011.

9 And Kristina Gomez joined us in May 2011,
10 and as I mentioned earlier, she also was with the
11 previous Commission and just came very highly recommended
12 and rightfully so.

13 And then Ray -- sorry, you guys. You know
14 that I cry, so this shouldn't be a surprise for anyone.
15 But let's say that Ray auditioned for my job but was
16 promptly given a promotion to be our Executive Director.
17 And he was unanimously approved by all of us, and very
18 grateful.

19 RAY BLADINE: Thank you.

20 CHAIRPERSON MATHIS: You've done so much
21 for this State and the City of Phoenix in your prior
22 career. And we're very grateful. You're an
23 extraordinary person.

24 RAY BLADINE: Thank you.

25 CHAIRPERSON MATHIS: So I'm going to try

1 not to cry anymore.

2 Now, former staff I just want to recognize
3 Buck Forst, who's our Chief Technology Officer. Even
4 today, sometimes he comes and helps us, but he's moved on
5 already. Christy Olsen, Stu Robinson, Shane Shields all
6 helped this Commission from the beginning and at various
7 times, and we appreciate everything they did.

8 I also want to recognize Marty Herder, who
9 also is going to be receiving one of these Commission
10 Medal of Freedom medals. He's a really great guy. And
11 on the back of his metal, I put, "Always ready," because
12 we had a little ongoing joke throughout all the
13 Commission meetings where -- I would fall for it every
14 time. I just would forget, and I would say, "Marty, are
15 you ready?" And he'd say, "Always." And it was just
16 such a great line, and I love him for it. So thank you,
17 Marty, out there wherever you are.

18 Next up are the folks the Commission
19 retained to help and accomplish its mission. We'll start
20 with our legal counsel who are in the room. Osborn
21 Maledon, Mary O'Grady, sitting right here, has been with
22 the Commission through it all. Former Solicitor General
23 for the State of Arizona. She's argued in front of the
24 U.S. Supreme Court, and an all-around open meeting law
25 expert.

1 colin Campbell, who's not with us today but
2 also works with Mary. He's a former judge in Maricopa
3 County Superior Court and represented the Commission in
4 Harris versus IRC in front of the three-judge panel in
5 federal court, and has provided superb counsel as well.

6 And Kristin Windtberg went the distance
7 with us to a zillion hearings around the state, and also
8 with Osborn Maledon.

9 And Joe Roth I know helped as well, and I
10 don't know if he's still at Osborn Maledon, but please
11 thank him.

12 The other firm we retained was Ballard
13 Spahr, and Joe Kanefield is here in the room. Former
14 elections director for the State of Arizona and general
15 counsel to a former governor of Arizona. And recently
16 Brian Schulman, his colleague, has been helping the
17 Commission. And both represented the Commission very
18 well.

19 And part of Joe's presentation back when he
20 was vying for this position was to retain a voting rights
21 expert because at the time the Commission needed to pass
22 preclearance. And so we wanted to make sure we did that
23 well, and Joe had the brilliant idea to include a voting
24 rights expert as part of his package. And so he
25 suggested Bruce Adelson. He's a former DOJ attorney who

1 was on the receiving end of the Commission's submission
2 last time and so knew a lot about what the DOJ -- how
3 they think. And Bruce provided a lot of expert counsel.
4 And we appreciate his help, and that was a great idea.
5 So thank you for doing that.

6 Thanks to all of these people, we were able
7 to achieve preclearance on the first try, which is a huge
8 honor and first time for the State of Arizona on both
9 maps. And so it was really kudos to this brilliant team.

10 I also want to recognize a number of other
11 attorneys that represented the Commission along the way
12 or provided counsel in some way. Jim Barton from the
13 A.G.'s office a while back was our first attorney and did
14 a great job for us. Beau Roysden formerly worked with
15 Joe at Ballard Spahr and moved on to the A.G.'s office.
16 Jay Cabou who used to work at Osborn Maledon and moved on
17 to Perkins Coie. Kiersten Murphy who used to work at
18 Gallagher & Kennedy and then moved on to a private firm.
19 And all of these people helped me or the Commission in
20 some way, and they were excellent.

21 I also want to mention a couple other guys
22 who helped me through some dark times, and those were
23 former Arizona Supreme Court Chief Justice Tom Zlaket.
24 And last, but certainly not least, former U.S. Attorney
25 for Arizona, Paul Charlton and his colleague Quinton

1 Cushner. I can't say enough about their willingness to
2 represent me when the chips were down, and I will always
3 be grateful.

4 Also, finally, two U.S. Supreme Court
5 specialists deserve special recognition from this
6 Commission. Seth Waxman and Paul Smith. They, along
7 with their teams at Wilmer and Hale and Jenner & Block
8 respectively, each represented the Commission pro bono in
9 our two cases that went before the U.S. Supreme Court,
10 and we are very grateful for all that they and their
11 teams did.

12 I'd like to thank everyone in the third
13 branch of government who took the time to review this
14 Commission's record -- it's an extensive one -- and that
15 includes the Arizona Supreme Court, the Maricopa County
16 Superior Court, the U.S. Supreme Court, and the Ninth
17 Circuit. And I'd also like to thank everyone who wrote
18 an amicus brief in the Commission's support. There were
19 many of them, and we would be definitely till five if I
20 did that, so not doing that.

21 So next up, the other major decision that
22 the Commission made was the mapping consultant, and the
23 Commission chose the firm that was best suited to do the
24 job and they did it. So principal Ken Strasma, you're
25 out there somewhere, along with Willie Desmond, who is an

1 Arizona citizen and I thought we might see him here
2 today. But Andrew Dreschler is on the phone and also
3 with that firm. And I want to thank all of them and
4 other people they worked with at their firms for being
5 there with us through thick and thin, though, maybe it
6 was all thin. And your humor, intelligence, and
7 professionalism made the day, frankly.

8 So with that, I'd also like to thank Gary
9 King and Benjamin Schneer from the Harvard Institute for
10 Quantitative Social Science for their work on the
11 Racially Polarized Voting analysis and other statistical
12 analysis that they did on our maps that helped us achieve
13 preclearance and ensure that those would pass muster with
14 the DOJ.

15 And, finally, I'd like to thank anyone in
16 the Fourth Estate, the press, who took the time to
17 understand the Commission's process and report accurately
18 or constructively opine on what we were doing. I don't
19 see any members of the press here today. I think the
20 story has jumped the shark, as they say, but at least I
21 want to give special recognition to a few people.

22 Mary Jo Pitzl at the Arizona Republic
23 reported on us frequently. Bobbie Jo Buel and Tim
24 Steller at the Arizona Daily Star covered us extensively.
25 Paul Davenport at the Associated Press. Steve Lemons at

1 Phoenix New Times. Jim Nintzel at the Tucson Weekly.
2 Marc Lacey at the New York Times. Mike Bailey at the
3 Peoria Journal Star.

4 And, finally, a man I thought we'd see here
5 today, Steve Muratore of the Arizona Eagletarian. Many
6 of you probably know him, but he followed the
7 Commission's every move and wrote about it for its entire
8 existence.

9 And I will also note that the Yellow Sheet,
10 which is published by Arizona Capitol Times, provided
11 some important information and levity at key moments
12 along the way.

13 I'm getting close to the end here.

14 I'd like to thank my fellow commissioners
15 as well -- and I appreciate everyone's comments today;
16 those were very nice -- as well as former Commissioner
17 Jose Herrera, for the sacrifices they made to serve on
18 this volunteer Commission. And along with their
19 families, some of whom are here today, and that includes
20 my husband Chris as well, who helped me throughout and
21 was the best driver a chairlady could have ever asked
22 for.

23 And I'd be remiss if I didn't thank the
24 people who started independent redistricting in Arizona.
25 Bart Turner, Ann Eschinger, and Dennis Burke are three

1 people who helped cowrite the Proposition 106 way back in
2 2000. And so thanks to them, the concept of independent
3 redistricting came to Arizona, and I'm grateful for that.

4 And I'd also like to thank the voters in
5 Arizona who participated in this process like the
6 Bengtsons and others, those who provided sincere and
7 helpful input to us to make our maps better. And that's
8 what they did. We couldn't have done this without you.

9 And, finally, I'd like to thank the Arizona
10 Legislature because it was their lawsuit against the
11 Commission that ultimately resulted in an opinion in the
12 U.S. Supreme Court which solidified independent
13 redistricting commissions as constitutional and paves the
14 way for other states to experiment with this important
15 reform mechanism. And I mean that sincerely. Many
16 states now are exploring this concept and thinking that
17 an independent commission is the better way to go, and
18 I'm grateful that they're able to do that.

19 So I think that's everyone, and if I forgot
20 anyone, please don't take it personally because many,
21 many people were behind the scenes helping and writing
22 supportive notes and letters and things and giving the
23 Commission great advise. So to all of you, I'm very
24 grateful.

25 And as Bugs Bunny would say, "That's all,

1 folks." So thank you.

2 Is there any other public comment that we
3 need to address at this point?

4 okay. I think that really is all, folks.

5 So with that, I think I'm going to try to
6 use my gavel. I remembered.

7 It is now -- I guess is there any -- I'm
8 going to go ahead and motion to adjourn. Do we -- does
9 anyone have a -- okay, great. We can go to the next
10 agenda item and just adjourn.

11 And now, at 2:45 in the afternoon on a
12 Friday in Phoenix, I am going to go ahead and adjourn the
13 meeting.

14 Thank you, everyone.

15 (Whereupon, the meeting was adjourned at
16 2:45 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA) ss.

3
4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Jennifer Honn, a Certified Court
6 Reporter, RPR, No. 50885, State of Arizona; that the
7 foregoing 44 pages constitute a true and accurate
8 transcript of all proceedings had upon the taking of said
9 meeting, all done to the best of my skill and ability.

10 DATED at Phoenix, Arizona, this 3rd day of May,
11 2017.

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16 Jennifer Honn, RPR
17 Certified Court Reporter
18 Certificate No. 50885
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